

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NICHOLAS ROBINSON,

Plaintiff,

-v-

9:21-CV-1322

SOBIA MIZRA,

Defendant.¹

APPEARANCES:

OF COUNSEL:

NICHOLAS ROBINSON

Plaintiff, Pro Se

22-B-0369

Woodbourne Correctional Facility

99 Prison Road

P.O. Box 1000

Woodbourne, NY 12788

STEINBERG, SYMER & PLATT, LLP JONATHAN E. SYMER, ESQ.

Attorneys for Defendant

22 IBM Road, Suite 201

Poughkeepsie, NY 12601

DAVID N. HURD

United States District Judge

¹ Defendant is sued as “Mizra,” but is referred to elsewhere as “Mirza.”

ORDER ON REPORT & RECOMMENDATION

On December 10, 2021, *pro se* plaintiff Nicholas Robinson (“plaintiff”), who was at the time an inmate in the custody² of the Broome County Sheriff’s Department, filed this 42 U.S.C. § 1983 action alleging that various Broome County officials violated his constitutional rights while he was being held at the Broome County Jail. Dkt. No. 1. Along with his complaint, plaintiff also moved to proceed *in forma pauperis* (“IFP Application”). Dkt. Nos. 2, 3, 5.

On February 18, 2022, this Court granted plaintiff’s IFP Application, conducted an initial review of his complaint, and dismissed the pleading without prejudice based on various defects. Dkt. No. 7. At that time, the Court gave plaintiff an opportunity to file an amended pleading, *id.*, and he thereafter did so, Dkt. No. 15.

On July 22, 2022, this Court reviewed plaintiff’s amended complaint, dismissed some claims, and permitted claims against defendants (1) David Harder, (2) David Stanton, (3) Adam Valls, and (4) Sobia Mirza to proceed to discovery. Dkt. No. 16. Those four defendants answered, Dkt. Nos. 20, 39, conducted some discovery, *see, e.g.*, Dkt. No. 28, and then the three Broome County defendants (1,2,3), Dkt. No. 41, and defendant Sobia Mirza (4), Dkt.

² Plaintiff has been transferred to the custody of the New York State Department of Corrections and Community Supervision. *See* Dkt. No. 64. He expects to be released soon. Dkt. No. 81-1.

No. 57, moved for summary judgment. The motions were fully briefed. Dkt. Nos. 51, 52, 53; 57, 61, 62.

On February 20, 2024, U.S. Magistrate Judge Christian F. Hummel advised by Report & Recommendation (“R&R”) that the (1,2,3) Broome County defendants’ motion for summary judgment be granted and plaintiff’s claims against them be dismissed. Dkt. No. 64. Plaintiff sought, Dkt. No. 65, and received, Dkt. No. 66, an extension of time in which to lodge objections to Judge Hummel’s R&R. After that deadline passed without a timely³ filing, the Court adopted Judge Hummel’s R&R on March 21, 2024. Dkt. No. 69.

On July 30, 2024, Judge Hummel advised in an R&R that (4) defendant Sobia Mirza’s motion for summary judgment should also be granted and plaintiff’s claims against Mirza should also be dismissed. Dkt. No. 77.

Plaintiff has lodged objections. Dkt. No. 81. Defendant Mirza has filed a response.⁴ Dkt. No. 82. Upon *de novo* review, the R&R is accepted and will be adopted in all respects. FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

³ Plaintiff lodged belated objections. Dkt. No. 70. In light of plaintiff’s *pro se* status, this Court directed the Broome County defendants to respond. Dkt. No. 71. After they did so, Dkt. No. 72, this Court construed the objections as timely and then overruled them. Dkt. No. 73.

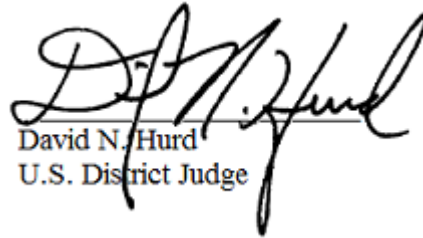
⁴ Under the Local Rules, a reply is not permitted. N.D.N.Y. L.R. 72.1(c). So the R&R is fully briefed.

1. The Report & Recommendation (Dkt. No. 77) is ACCEPTED;
2. Defendant Sobia Mirza's motion for summary judgment (Dkt. No. 57) is GRANTED;
3. Plaintiff's claims against defendant Sobia Mirza are DISMISSED with prejudice.

The Clerk of the Court is directed to terminate the pending motions and enter an appropriate judgment, and close the file.

IT IS SO ORDERED.

Dated: September 23, 2024
Utica, New York.



David N. Hurd
U.S. District Judge